

Appl. No.: 10/723,401
Amdt. Dated: May 23, 2007
Reply of Office action of January 23, 2007

Docket No.: SECH-10159

REMARKS/ARGUMENTS

Claims 1-17 are currently pending in the application. Applicants request reconsideration of the application in light of the following remarks.

Request to Admit the Response

Applicants believe that the foregoing response complies with the Examiner's requirement of a Declaration under 37 C.F.R. 1.132.

Rejections under 35 U.S.C. §102

Claims 1-17 were rejected under 35 U.S.C. § 102(a) as being anticipated by Kim et al. (Article *Porous ZRO2 bone scaffold coated with hydroxyapatite with fluorapatite intermediate layer*). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Applicants contend that Hae-Won Kim and Hyoun-Ee Kim, the inventors of the present patent application, are authors on Kim et al. An Affidavit under 37 C.F.R. 1.132 is being filed concurrently herewith, which states that the relevant portions of Kim et al. originated from Hae-Won Kim and Hyoun-Ee Kim. Applicants contend that the other contributors cited in the Kim et al. article, namely, Seung-Yong Lee, Chang-Jun Bae, Yoon-Jung Noh, Hyun-Man Kim, and Jea Seung Ko, were simply assistants with respect to the inventions of this application, and not inventors. Accordingly, Applicants believe that this Affidavit obviates the §102(a) rejection of claims 1-17 in view of Kim et al.

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In addition, Applicants believe that a §102(b) rejection of claims 1-17 is improper because Kim et al. was published less than one year prior to the date of the application for patent in the United States. Hence, Kim et al. was published within the one year grace period allowed under 35 U.S.C. 102 (b). Accordingly, Applicants respectfully request that the anticipation rejections of claims 1-17 be withdrawn.

CONCLUSION

Applicants respectfully request that a timely Notice of Allowance be issued in this case. It is requested that a one-month extension of time be granted for the filing of this response, and the appropriate extension filing fee of \$60 should be charged to Deposit Account No. 19-0513. If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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